

CITY OF FITCHBURG CONSERVATION COMMISSION MEETING MINUTES

TUESDAY, AUGUST 28, 2007

COMMISSIONERS IN ATTENDANCE: Tom Starr, Chairman, Mike Donnelly, Harry Karis, John Koutonen, Phil Chalifoux, Kevin Sanders (associate member)

STAFF IN ATTENDANCE: Tim Smith, Mike O'Hara

CALL TO ORDER: Mr. Starr called the meeting to order at 6:02 p.m. in the Veteran's Room, First Floor, City Hall.

MISC. ITEMS

Violation, 455-459 Princeton Rd., duplex

Jay Bergeron (abutter) in to follow up on discussion at last meeting & subsequent site visit.

Mike D. - results of site visit on 8-6-07: property owners to remove fill (wood chips), re-establish a line of trees as wetland boundary. No further filling.

The stone demarcation is only on right side abutting upland. Is useless - doesn't prevent anyone from entering wetland. ConCom said OK to get rid of rocks abutting the upland.

Mike D. - retaining wall (not on plan) doesn't prevent encroachment into wetland. Mr. Bergeron disagrees.

They still need deed restriction - refer to OOC on the Master Deed.

Agreed:

Re-establish a line of trees as wetland boundary. If not done w/in reasonable time (didn't put specific time limit) ConCom will issue enforcement order.

PUBLIC HEARINGS

Request for Determination of Applicability - Edgewater Development, Valley St. (postponed from 7-31-07)
Atty. Watts requested continuance to September meeting. Agreed to continue to September meeting.

Notice of Intent - City of Fitchburg, Coolidge Park renovations (postponed from 7-31-07)

No new information. Testing of soils samples being done. Agreed to continue to September meeting

Notice of Intent - Fitchburg DPW, Baker Brook streambank stabilization & shoal removal, Coolidge Park
Denis Meunier, DPW Commissioner present. Presented plan for bank stabilization & schedule of work. Kevin had questions on materials used. Larger stone (12-inch) may be no good.

Harry - need to meet out there

Mike D. - opposite streambank needs work, too.

John K. - time is important, this is time of year to do work.

Kevin - can help expedite to get a plan done. Suggest meeting Friday at 1:00 p.m. on site. Plans needs a narrative

ConCom voted to approve OOC, subject to Kevin & DPW working out a Site Plan.

Notice of Intent - Wachusett Development - 41 Sheldon Street, building trade shops (cont'd from 5-29-07)
Patrick McCarty, P.E. and Scott Morrissey & Brian Cote of Wachusett Development present.

Update: at their last meeting Planning Bd. has approved site plan, including condition on river walk.

Wachusett is willing to grant easement for riverwalk trail with conditions. Trail easement language is to be worked out. Architectural rendering shows view from river.

Pat: will be metal panel building, similar to Butler bldg. Will be similar to bldg. under construction on Benson Street.

John K: design of bldg doesn't improve appearance of river.

Pat: these are industrial buildings. They need racks in bldg for storage, so can't have real windows.

Tom: is it a cost factor?

Applicants: no, they could put in faux windows or block them out

Harry: Fitchburg Yarn (on the site previously) had windows.

John K: how about building into hillside on West St. side?

Pat: areas marked green on plan are not to be built on in future. They possibly could do a conservation restriction on it.

Mike D: there's no change from Commission's initial comments. The building setback from West & Sheldon Street and from the river is the same. He's against it. Uncomfortable w/ compensatory storage issue & the current design. If current plan was approved he would appeal it to DEP.

Mike D: did you look at wildlife habitat?

Pat: no, it's not on endangered species map.

Morrissey: is frustrated w/ length of time it's taking & going between the various boards. They may end up with a vacant lot here. Make an offer on it.

Pat stands by his plan & Eco-Tec's assessment & his conclusions on drainage.

Pat's photos of the site & the area passed around.

Tim: no compensatory storage being provided.

Pat: there is compensatory storage, compared to when map FIM map was drawn. Similar examples in Leominster: Home Depot & Hamilton St.

Kevin: Commission recognizes that site is exempt from rivers protection act, but asked for alternatives. Frustrated that they got none.

Morrissey: they went thru six concepts internally before deciding on current one.

Mike D. issues are buffers & setbacks. Suggested relocate buildings closer to West St. Commission said they would support a variance application, if needed.

Discussion: is there a better plan?

Alternatives - combine into two buildings, push into green area.

Pat - not a simple matter to revise plan. If changes to plan, he must look at how drainage and compensatory storage is re-done.

Tom: Commission thinks there are alternatives.

Mrs. Stathis (78 West St.) had couple questions for applicants.

Brief Recess

The September meeting date (last Tuesday of month) is date of preliminary election. Commission agreed to move meeting to Monday 9-24-07.

Tom: suggests continue hearing next month & consider alternatives.

Mike D. - what they're looking for is Buffer, Aesthetics, Habitat

Tim - BLSF regs. require:

- compensatory storage. (is there case law on this ?)
- wildlife habitat. There is a presumption that it is important to the interests of the act. Show that it is not in this case.

Hearing continued to 9-24-07.

Request for Determination of Applicability - ATC Lincoln Associates, 210 Upham St., site cleanup

Keith Sullivan, ATC Lincoln Associates (LSP for site) explained. Dean Column is under order from DEP to remove contaminated stockpiles at edge of parking areas which contain concrete waste w/ paint, other contaminants. They make concrete columns.

Drainage from paved areas sheet flows to low point at NE corner of site. Small isolated area, little wetland value. They will loam & seed area when stockpiles removed. Discussion on whether to plant trees there.

Motion made & seconded to issue Negative Determination, subject to conditions:

- clearing the minimum amount of trees necessary to remove the contaminated stockpiles
- once stockpiles are removed, loam & seed those areas.

Vote unanimous in favor.

Notice of Intent - Jensen, 1275 Rindge Rd., septic repair

Jack Maloney, Whitman & Bingham presented plan. Commission reviewed Tim's review letter which recommended approval.

Discussion on use of filter mitts, as specified on plan. An alternative to silt fence/haybales, slightly higher cost, but easier to install. When site stabilized, just slit burlap open & leave in place to biodegrade.

Kevin: will 48-inch maple impede septic repair area?

Jack: will work around it, but will remove if necessary.

Mike D: doesn't want Filter Mitt to become retaining wall for disturbed soil.

Add condition: Filter Mitt to be checked after every rainstorm. Any accumulated material behind filter mitt to be removed & disposed of.

Motion made & seconded to issue OOC. Vote unanimous in favor.

OTHER ITEMS

Universal Machine, 323 Princeton Rd. - revisions

Jess Oullette owner & Chris Deloge proposed revisions to approved site plan. Two "Stormceptors" shown on approved plan are \$10K each. He wants to eliminate them. Chris proposing to split drainage on site - one area drain to rain garden w/ emergency overflow to existing CB, other area will drain to another CB. They have not done soils test yet.

Commission want them to rough in rain garden first to serve as temp. sediment basin thru the winter, then plant in spring.

Specs for rain garden are on plan.

Vote unanimous to approve modifications. Conditions: Need berm along street side. Replace dead vegetation immediately. Subject to submittal of landscaping & planting scheme.

100 & 80 Erdman Way - parking expansion

Noted that work has started on both sites. What about two parking spaces that were to be lost ?

Chris Deloge: rough excavation has started, but W&B hasn't yet staked out limits of expanded parking area.

Quarry Lane/Wall St./Amiott St. drainage

Chris D. updated Commission on meeting w/ DEP & applicant. Nothing written rec'd from DEP yet.

DEP's fine may be based on how much Donell made on each house built & sold w/o DEP approval.

0 Michael St.

Commission informed that call rec'd from owner of vacant 3,400 sq. ft. parcel beyond paved end of Michael St. Owner wants to donate to Conservation Commission. Is adjacent to "Owner Unknown" parcel. Commission decided they didn't want to accept it.

First Street, MEC

Minor revision to footprint of house on Lot 2 as shown on sketch plan, shifting house further to west, was approved by Commission.

Candlewood open space

Forest cutting plan. John K. mentioned tree cutting plan approved by State Forester for several parcels at Saima Park.

Fanelli, Ashby State Rd. & Taylor Rd..

Mike D. said Tom Christopher, representing Fanelli, had visited site & thought there was no problem. Tim & Tom will check out site.

Draft Wetland Ordinance

Tom had distributed a draft Ordinance & a fine schedule to all City Council members.

Motion made & seconded to submit the petition to adopt Local Wetland Ordinance to City Council.

Vote unanimous in favor. A couple minor clerical errors to be corrected before filing with City Clerk.

Motion made & seconded to adopt "Tree Replacement Policy" drafted by Mike D. Vote unanimous in favor.

Motion made & seconded to adjourn. Vote unanimous.

Meeting adjourned: 9:05 p.m.

Next meeting: Sept. 24 (MONDAY), 2007

approved: 9-24-07